IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Rev. No.538 of 2007
Date of Decision:- 01.05.2007

Parmod @ Motta ....Petitioner(s)

through
Mr.U.K.Agnihotri, Advocate

vs.

State of Haryana ....Respondent(s)

through
Mr.R.D.Sharma, DAG, Haryana.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J.

This revision petition is directed against the judgment and order dated 18/19-10-2005 respectively whereby the petitioner was convicted under Section 324 IPC and instead of any sentence, he has been ordered to be released on probation for a period of one year by the learned Sub Divisional Judicial Magistrate, Gohana, as well as against the Judgment dated 1.5.2006 whereby the petitioner's appeal against the above-stated order of conviction has been dismissed by the learned Additional Sessions Judge, Sonepat.

As per the prosecution case, on 15.4.2002, the complainant went to fetch water from the canal as per his turn where some quarrel took place between him and one Manoj. The petitioner appears to have pocked his nose without any rhyme or reason and caused injury to the complainant by giving a *Kassi* blow. The petitioner allegedly fled from the spot along

with the *Kassi*. In support of its case, the prosecution examined the complainant-Bijender (PW-3), Ram Pat-eye witness (PW-4) as also Dr.A.K.Gupta (PW-1).

Relying upon the evidence on record, the learned Sub Divisional Judicial Magistrate came to the conclusion that the complainant was inflicted a *Kassi* blow by the petitioner and as such, he was guilty of committing an offence under Section 324 IPC. The petitioner, however, was released on probation for more than one good reasons assigned by the learned Sub Divisional Judicial Magistrate vide order dated 19.10.2005.

Aggrieved, the petitioner preferred an appeal in which he attempted to assail the credibility of the eye-witness-Ram Pat (PW-4) on the ground that he was closely related to the complainant. The petitioner also relied upon the statement made by the complainant-Bijender (PW-3) to contend that the petitioner stood completely exonerated by the complainant himself. Both these contentions, however, have been dealt with and repelled by the learned Additional Sessions Judge vide his impugned order dated 1.5.2006. It has been noticed that on medical examination, it was found that the complainant had suffered an 8cm x 0.5cm x 0.5 cm incised wound on the right leg and the record of the Civil Hospital fully substantiated the same.

Still aggrieved, the petitioner has preferred this revision petition.

Learned counsel for the petitioner reiterated the same contention and heavily relies upon the statement of the complainant, a certified copy of which has also been produced. I have gone through the

contents of the deposition of the complainant made in vernacular and find that the petitioner has been specifically attributed a *Kassi* blow. The complainant has further denied the suggestion that he secured a false medical certificate or that he had bribed the police. There appears nothing to discard the version of the complainant.

Having regard to the scope of interference in the exercise of its revisional jurisdiction, I do not find any case to tinker with the concurrent findings of fact.

Dismissed.

May 01, 2007 **(SURYA KANT)**
poonam **JUDGE**